

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: )  
)  
**Alexander K. Mills** )  
)  
FOR: **METHOD FOR NONINVASIVE** )  
**CONTINUOUS DETERMINATION** )  
**OF PHYSIOLOGIC** )  
**CHARACTERISTICS** )  
)  
SERIAL NO. **to be assigned** )  
)  
FILED: **to be assigned** )  
)  
ART UNIT NO: **to be assigned** )  
)  
EXAMINER: **to be assigned** )  
)  
Attorney Docket No: **WT-02-004C** )

**COMBINED DECLARATION AND**  
**POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

As below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☒ **XX** original  
☐ design  
☐ supplemental  
☐ national stage of PCT  
☐ divisional

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OF PHYSIOLOGIC CHARACTERISTICS )  
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Attorney Docket No: WT-02-004C )

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR § 1.9(f) and §1.27(b)) -- INDIVIDUAL**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark Office with regard to the invention entitled:

**METHOD FOR NONINVASIVE CONTINUOUS  
DETERMINATION OF PHYSIOLOGIC CHARACTERISTICS**

described in

☒ the application filed herewith.  
☐ application serial no. , filed

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9 (d) or a nonprofit organization under 37 CFR §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below\*

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR § 1.27)

1. FULL NAME: Alexander K. Mills

ADDRESS: 9010 Callaghan, San Antonio, TX 78230

☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

2. FULL NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.  
(37 CFR § 1.28(b)).

I hereby declare that all statements made are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE OF INVENTOR(S):

SIGNATURE

Alexander K. Mills  
Alexander K. Mills

DATE

11/6/01

\_\_\_ continuation  
\_\_\_ continuation-in-part

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR NONINVASIVE CONTINUOUS  
DETERMINATION OF PHYSIOLOGIC CHARACTERISTICS**

**SPECIFICATION IDENTIFICATION**

the specification of which:

- (a) XXX is attached hereto.
- (b) \_\_\_ was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_
- (c) \_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
\_\_\_\_\_ filed on \_\_\_\_\_ and  
as amended under PCT Article 19 on \_\_\_\_\_.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS  
AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

XXX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XXX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

\_\_\_ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §119)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) XXX no such applications have been filed.

(e) \_\_\_ such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Not Applicable			___ Yes ___ No ___
			___ Yes ___ No ___
			___ Yes ___ No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Not Applicable

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER  
35 U.S.C. §120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

<u>U.S. APPLICATIONS</u>	<u>U.S. FILING DATE</u>	<u>STATUS</u> (Patented/Pending/Abandoned)
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**35 USC §119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED  
U.S./PCT APPLICATIONS**

Above Application No.	Details of Foreign Application From Which Priority Claimed Under 35 USC §119
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**Not Applicable**

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**RALPH C. FRANCIS  
FRANCIS LAW GROUP  
1808 Santa Clara Ave  
Alameda, CA 94501  
Reg. No. 38,884**

**Tel No.: (510) 769-9800**

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

---

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

**RALPH C. FRANCIS**  
**FRANCIS LAW GROUP**  
1808 Santa Clara Ave  
Alameda, CA 94501  
Reg. No. 38,884

**RALPH C. FRANCIS**  
**(510) 769-9800**

---

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**

Full name of inventor: **ALEXANDER K. MILLS**

Inventor's signature Alexander K. Mills

Date: 11/6/01 Country of Citizenship: United States of America

Residence: 9010 Callaghan, San Antonio, TX 78230

Post Office Address: \_\_\_\_\_

\_\_\_\_ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added \_\_\_\_.

\* \* \*

\_\_\_\_ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

\_\_\_\_ Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

X This Declaration ends with this page.

I hereby certify that this document is being deposited with the United States Postal Service on this date 11/6/01 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EVD44753724US addressed to the Assistant Commissioner for Patents, Washington, D.C. 2031.

Danielle Gragg  
Name of person mailing document

Danielle Gragg